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P R O C E E D I N G S

of the

**SELECT COMMITTEE APPOINTED BY THE LEGISLATIVE
OF THE PROVINCE OF ONTARIO, TO ENQUIRE INTO
AND REVIEW THE CEMETERY ACT AND REGULATIONS
MADE THEREUNDER.**



Mr. J. N. Allan, Chairman, Presiding.

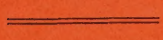
Mr. John Scott, Secretary.



VOLUME V

Wednesday, September 16, 1953.

Toronto, Ontario.



(Mrs) J. A. Wilde,
Official Reporter,
Parliament Buildings,
Toronto, Ontario.

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F I F T H D A Y

Toronto, Ontario,
Wednesday, September 16th, 1953,
10:00 o'clock, a.m.

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The further proceedings of this Committee
reconvened pursuant to adjournment.

PRESENT:

Mr. J. N. Allan Chairman,
Presiding.

Messrs. Hall,
Allen (Middlesex South)
Gordon,
Lyons,
Root,
Sandercock,
Thomas (Ontario)
Whitney.

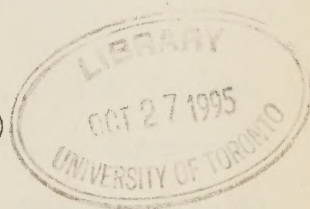
Mr. John Scott, Secretary.

Mr. Walker Solicitor.

APPEARANCES:

Mr. E. D. Clark, Toronto General Burying
Grounds.

Mr. Armond T. Whitehead, Q.C., representing
The United Church of Canada



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Mr. Burton, representing the Trust Companies Association.

Mr. Colin Strathy, representing the Church of England of Canada.

Mr. Abraham Ginsberg, representing the Canadian Jewish Congress, and the Bethesda Synagogue.

Mr. W.E. Hodson, representing the Baptist Convention of Ontario and Quebec.

Rev. Father Clune, representing the Roman Catholic Archdiocese of Toronto.

Mr. Wm. Black, representing the Building Services Employees Union of the A.F. of L.

Rev. John Coburn, United Church of Canada.

Mr. Arnup, Solicitor, Toronto General Burying Grounds.

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THE CHAIRMAN: Gentlemen, I will dispense with the roll call for a few moments. I understand some of the gentlemen who are appearing this morning find it necessary to go to court very soon, so Messrs. Burton and Scott, the Trust Companies Association, the Church of England, and the United Church will want to get away as early as possible.

MR. WHITEHEAD: Mr. Chairman, I should be in court by eleven o'clock this morning, so if the Trust Companies will permit me to go on, I would

appreciate it.

THE CHAIRMAN: We will listen to you, Mr. Whitehead.

MR. WHITEHEAD: Mr. Chairman, on behalf of the United Church of Canada, I have been speaking to your Secretary (Mr. Scott) and as I understand it, one of the things which you would like to hear from the United Church of Canada, is its method of dealing with cemeteries generally.

As you are quite aware, the congregations in the past, as have other churches, had their cemetery in connection with their church throughout the country. Those cemeteries come under the Trust and Model Deed. They are owned by the congregation held by trustees for the congregation, as a part of the body corporate of the United Church of Canada.

Under the Trust and Model Deed, the seven-year property is vested in trustees for the congregation. They have power to sell or lease with consent of Presbytery, which is a court of the church, one step removed from the Conference which embraces a great number of Presbyteries. That Conference, in turn, is under the general council of the United Church of Canada. That is the general set-up.

All property of the congregation is subject

to the supervision of the Presbytery and if there is a cemetery property which has been allowed to deteriorate, the Presbytery is expected to, and does, check on that type of delinquency if necessary.

Now, there have not been any cases of which I know where there has been neglect, that have been directly under the supervision of the Presbytery of the United Church of Canada. However, occasionally, you will find a cemetery possibly of a congregation which has disbanded, the congregation has just dwindled away, and the cemetery is left there. That presents a problem.

THE CHAIRMAN: What is your suggestion so far as the solution of that problem is concerned?

MR. WHITEHEAD: If there has not been interment for a certain number of years, I think the Act is adequate to close up that cemetery in its provisions.

THE CHAIRMAN: Supposing there has been an interment?

MR. WHITEHEAD: If there is, you are faced with difficulty and with the consent of those representing families interested, then you can provide for re-interment, totally if you wish, in another cemetery.

THE CHAIRMAN: I hope you will pardon me because I am trying to let you get through quickly. If I interrupt you, it is only with the thought of having the discussion limited to those things which I think we are going to be interested in.

You mentioned the consent of the persons who have families buried there. That is a problem. If we are going to make progress in the cleaning up of abandoned or partially abandoned cemeteries, we are going to have to get something which is much easier than that. We would like to get your opinion as to whether your church would object, or would like to go along, with a plan we have in mind. This is only hypothetical, of course. Would your church object or go along with a plan whereby if your Presbytery decided that cemetery should be taken over, in a case where the local church is gone, by the municipality, without the consent of the people involved, it could do so.

MR. WHITEHEAD: I would think, if proper notice were given, yes. You see, what happens is, we get an abandoned cemetery, and as soon as you make a move, some person down in California, for instance, says, "You cannot deal with this. That is sacred ground". I know that sort of thing would happen.

I would think if adequate notice were given to all those who are interested, the best notices would come through advertising and so forth, it would be quite proper that the municipality would say, "Here is an eye-sore. We will take it over, and we will assess if necessary, anyone who is an owner of the property".

THE CHAIRMAN: I do not think we can do that.

MR. WHITEHEAD: I would say, if you cannot do that, take it over in that way, I do not see how you can avoid it.

THE CHAIRMAN: We would provide a means of having it taken over.

MR. WHITEHEAD: Yes, if you had made adequate inquiry, it would be alright. However, you might find descendants down in the United States or any place in the world for that matter, who will say, "We will put up the money. We are not concerned about that. We will fix it up". But I think they should be given an opportunity. That is what I had in mind.

MR. ALLEN (Middlesex South): Here is a question: if a United Church in a particular locality was disbanded with the consent of the Presybtery or

the Council of the United Church, why should they not look after that cemetery?

MR. WHITEHEAD: You have a Clause in the Trust and Model Deed, that where a congregation has ceased to exist before union -- that is, before June, 1925 -- that property would be vested in you, the Methodist Church, or the Presbyterian Church, or the Congregational Church, whatever it may be; but the Trust and Model Deed then says,

"To be held on such trust as the Conference determines".

It becomes a Conference responsibility. It shifts, and the same applies in the after-union with the United Church. If the congregation disbands or ceases to exist -- which are the words used in the Trust and Model Deed -- it is held for the United Church upon the trust determined by the Conference and it immediately becomes a Conference matter. It would not belong to them, it belongs to the United Church, held upon such trust.

MR. ALLEN (Middlesex South): The same as the old church that belongs to the United Church Conference. Why should the municipality be forced to take it over?

MR. WHITEHEAD: Very often, you will find

properties that do not come within that category, which are not properties of the church.

MR. ALLEN (Middlesex-South): What about the case of the United Church?

MR. WHITEHEAD: The property is the full responsibility of our own people.

THE CHAIRMAN: Have you ever known of any instances where the United Church, as a united church, have looked upon a cemetery as a part of their church, that they should contribute something to it from their general funds to keep it up?

MR. WHITEHEAD: I cannot recall any specific instance, but I would think if the matter were not dealt with properly by plot holders, we must assume that responsibility.

MR. ALLEN (Middlesex South): I am a member of the United Church.

MR. WHITEHEAD: I know that from your question.

MR. ALLEN (Middlesex South): That is why I asked the question.

MR. WHITEHEAD: I knew that you were acquainted with the set-up.

THE CHAIRMAN: The question is, has the United Church the responsibility of doing something

about that cemetery?

MR. WHITEHEAD: Yes.

THE CHAIRMAN: But in your present Cemetery Act, the individual church, whose trustees held it for that church, have disbanded, and what becomes of it then?

MR. WHITEHEAD: By operation of the Statute, it vests in the body corporate or the parent body, and to what extent they are liable is another thing. They possibly become liable under the Act as owners.

MR. ALLEN (Middlesex South): Yes, they are the owners. You take our United Church, which is insured for over \$100,000. If it were burned down tomorrow, and the body of the church decided not to rebuild it, that money would go to the United Church of Canada.

MR. WHITEHEAD: But that is not what happens. You have raised another problem. What usually happens is this: congregation "A" dwindles, and they agree to unite with congregation "B" under the Religious Institutions Act. Under this Act, there is provision for amalgamation of congregations within the same denomination.

When "A" goes over to "B" and they form the "A-B" congregation, they leave the "A" cemetery

over here. You say, "Who is the owner?". The owner is the "A-B" congregation. It is not the United Church of Canada. It ceases to be the responsibility of the body corporate and becomes a matter for Presbytery to deal with.

THE CHAIRMAN: May I ask this question: Everything you say I am sure is correct, --

MR. ALLEN (Middlesex South): Yes, it is.

THE CHAIRMAN: Our concern is the welfare of the cemetery. Are you able to tell me, in the financial set-up of the United Church, if there is any provision anywhere for funds to be contributed toward the upkeep of cemeteries of those churches?

MR. WHITEHEAD: The church itself does not budget for cemeteries per se, but if it had a liability which was brought to its attention, it would meet it.

THE CHAIRMAN: You are sure of that?

MR. WHITEHEAD: I am positive. It is a legal liability under the Act, and the Board has power to order it.

THE CHAIRMAN: Would the liability go so far as to say the churches should keep the cemeteries' grass cut?

MR. WHITEHEAD: Under Section 38, they have power to do this work, and assess if it is not done.

Section 38 reads as follows:

"Where the owner of a cemetery cannot be found or is unknown or is unable to maintain it, the Council of the local municipality in which the cemetery is situate, shall be charged with the duty of maintaining it, and the corporation of the local municipality shall, for the purposes of this Act, be deemed to be the owner of the cemetery".

I know that has not been enforced, but the United Church has never failed its obligation in respect to any cemetery, insofar as I know, in respect of which it has any liability. You might have congregations which unite and have left a cemetery, and even they are subject to the provisions of the Presbytery and therefore are subject to that legislation.

THE CHAIRMAN: I do not think we will pursue that matter any further, although I am not convinced yet there are not a great many neglected United Church cemeteries. I can speak freely too, because I belong to the United Church as well. That applies even to cemeteries which are being used.

MR. WHITEHEAD: In that event, you have to consider who is the owner. If it is the

congregation, in another area -- for instance, I know of branches where congregations have united, taking with them their property which includes cemeteries -- that becomes the property of the united congregation, and does not fall under the Trust and Model Deed, which reverts it to the body corporate. Therefore, it is a liability or an obligation of the united congregation to observe the provisions of the Act, and if they are not observed, there is machinery here to enforce them.

I do not think there are many cases, as far as I know, where there has been any neglect of any congregation of the United Church or of the United Church of Canada. That has been my experience. You may have others, but I can name possibly one, but I do not think it is general.

THE CHAIRMAN: We will not pursue that part any more. Here is another view we would like to get from the churches.

Can you tell us whether or not you are now developing cemeteries?

MR. WHITEHEAD: No.

THE CHAIRMAN: There is nothing set aside for that, and you are not arranging any new cemeteries?

MR. WHITEHEAD: No. They are engaged in

trying to establish small churches throughout the outlying districts to meet the needs of the people, and that is their main objective, but they are not setting apart lots for cemeteries that I have any knowledge of.

THE CHAIRMAN: Can you tell us if it is the policy of the church to encourage new cemeteries, or can you tell us what their policy is?

MR. WHITEHEAD: As a layman, I would say "no", but I am not speaking authoritatively in that regard. As far as I am aware, there is no legislation which encourages or contemplates setting up a separate cemetery for United Churches.

THE CHAIRMAN: I had reference to the type of cemetery which you have already set up in years gone by.

MR. WHITEHEAD: No, that is obviously out. That is my re-action.

THE CHAIRMAN: What do you think the re-action of your Church would be to a regulation which would require you, if you were opening a new cemetery, if there were certain regulations made which would endeavour to take away the possibility of a neglected cemetery?

MR. WHITEHEAD: I think they would view it favourably.

THE CHAIRMAN: They would not feel that they were being persecuted if they had to live up to regulations which would require you to have perpetual upkeep funds and properly laid-out cemeteries and that sort of thing if you were going to open a new cemetery?

MR. WHITEHEAD: Oh, no. On the other hand, I think the United Church would like to feel it was in the forefront with respect to any cemetery in which it had an interest. That is my view.

THE CHAIRMAN: You feel from now on you are working your way out, rather than in?

MR. WHITEHEAD: Definitely. It is my experience, all the difficulties come from the old cemeteries of twenty-five to forty years ago. Were you through with that point?

THE CHAIRMAN: Yes.

MR. WHITEHEAD: I could not help but see the publicity which has been given to this matter, and representing the view of the United Church of Canada, I noted Section 8(d) of the Act which reads:

"The Lieutenant-Governor in Council may upon the recommendation of the Minister, make regulations,
(d) respecting charges for the sale and care of lots and plots;"

There is specific power. There is no question of power, and if the Legislature wished to go beyond that, and provide for setting aside in trust, of such part thereof as may be deemed necessary for the care of the lots, they might do that.

THE CHAIRMAN: They have that authority now, as I understand it, with commercial cemeteries.

MR. WHITEHEAD: It is not limited.

THE CHAIRMAN: Not to church cemeteries.

MR. ALLEN (Middlesex South): It is not limited to any cemetery.

MR. WHITEHEAD: No, it is not. An amendment or addition to Section 8, subsection (d), which reads:

"The Lieutenant-Governor-in-Council may upon the recommendation of the Minister, make regulations,
(d) respecting charges for the sale and care of lots and plots" --

"and the setting aside in trust of such parts thereof as may be deemed necessary to assure the care of lots" would be sufficient to meet the difficulty which has arisen.

THE CHAIRMAN: I think I was influenced in my thinking by the fact that although that is in the Act, the regulations do not make any provision for it.

MR. WHITEHEAD: Yes, but you have power.

THE CHAIRMAN: That is right.

MR. WHITEHEAD: There is one other point: if you did make that additional provision for setting aside a percentage, it would necessitate under Section 28, subsection 3, a similar amendment. I am just pointing that out. In Section 28, subsection 3, the item secondly referred to would have to be amended as well. That is the part marked:

"Secondly - In providing for the perpetual care of that part of the lot in which an interment has been made"

Then, you would have to add some words similar to the extent of setting aside "blank percent" of the proceeds of sale to bring it into line.

The present regulations already cover that for commercial cemeteries but there is a question whether or not the present regulations are adequate.

I think Section 34, dealing with the closing of cemeteries recites:

"Where the Department reports in writing that a cemetery is so situated that, owing to the want of proper facilities for drainage or from any other cause, the thing has become or is likely to become dangerous to the

health of the inhabitants of the locality, or that for any reason it is expedient that a cemetery should be closed, the Lieutenant-Governor -in-Council may declare that the cemetery shall be closed and that no further interments should take place therein."

That is a very wide clause dealing with getting rid of property.

THE CHAIRMAN: The experience has been in closing cemeteries, there has always been a great deal of difficulty.

MR. WHITEHEAD: I appreciate that.

THE CHAIRMAN: We are hoping that we might, from your suggestions and the suggestions of other men like yourself, establish a plan which would be considered fair to all concerned.

MR. WHITEHEAD: I think we have discussed the main difficulty which you were running into, of people who have interest, which sometimes extends over a long period. You will find if you attempt to deal with the cemetery, you are going to run into difficulty with some person in Mexico or in the United States, who will say, "Do not touch my cemetery. It is sacred ground. Hands off."

I would think they should be given every opportunity and every effort should be made to locate those people and they should be told before you do it, "We are going to do this". That would involve a provision in the Act that proper notice should be given. Once you have done that, I do not think there is anything else you can do.

MR. ALLEN (Middlesex South): Like the closing of a road in a township.

MR. WHITEHEAD: Yes.

THE CHAIRMAN: There is another question on which I would like your opinion, Mr. Whitehead, and I hope you will forgive me if you feel we are hurrying you.

Is your church sufficiently interested in cemetery operations, to have an opinion as to whether or not commercial cemeteries should be operated or the establishment of commercial cemeteries should be carried on, as it is now; whether or not you feel that what we might call -- I do not like the word "high-pressure", but where at least it is sort of "robust selling",--should be carried on.

Do you think it is going to have any effect, are you interested on the effect it will have in your cemeteries?

MR. WHITEHEAD: I think the church is interested in anything which affects the people, and particularly where they are being approached on a subject which carries with it the emotional appeal this does. The burial of the dead carries with it a tremendous emotional appeal and I might say, Mr. Chairman, it may extend to the costs of funeral service.

I know that is beyond your reference, but I think it is a subject just as important. People under emotional strain, the bereaved, enter into contracts for burials at prices away beyond their means. Judges have commented on it and one of our judges had -- I do not know if he has now -- a reminder of a funeral costing \$15.00 in the old days. It was a reminder to the trust company of how much money he would allow on a funeral.

I know that is beyond the terms of reference but my answer is that the church is interested in any matter through social service work affecting the interests of the people. I think that is what we are for, and that is my own private view.

THE CHAIRMAN: I am sure you do not feel your church is interested in or sanctions promotions in that sense.

MR. WHITEHEAD: No, of course it involves the question of where you stand and how far to the "left" or "right" you stand, in respect to interference with private enterprise, but at the same time, it is a matter which I think should have the control of the Government.

THE CHAIRMAN: I asked that question only with the thought of the type of service it is. As you already mentioned, I realize this is a free country, and we believe in free enterprise.

MR. WHITEHEAD: I appreciate that difficulty, but there are limitations, particularly where the interests of people under emotional strain and bereaved people are being dealt with. I think we have to take that into consideration. That is my private opinion and whether the church will back that up, I do not know.

THE CHAIRMAN:
Do I understand you correctly, that when the United Church is responsible, when you say the local congregation is the owner of a cemetery belonging to any group of congregation and when they turn over to the church, it is a central organization's responsibility?

MR. WHITEHEAD: If congregations unite, ordinarily they take with them, the properties, and that becomes the property of the congregation as

united, and does not fall to the body corporate or the parent body at all.

THE CHAIRMAN: One more question I would like to ask you which I have asked a great many persons who have appeared before this Committee. When the renovation of old cemeteries is carried on, there is a plan which is used in many places of removing the stones from the graves and placing them in a wall in some part of the cemetery where they will be conserved. Of course, a record is made where possible before the stone is removed. Do you think your church would object to that sort of renovation of a cemetery?

MR. WHITEHEAD: That is a "tough one", Mr. Chairman. I would think, and I cannot speak for the church on that, but I can say this personally, I would appreciate any cemetery plot in which I was interested not having the stones removed, and even made into a park. I do not know why, and I am probably a little old-fashioned and so forth, but that is the way I feel.

THE CHAIRMAN: You realize, of course, it is a cemetery where most of the stones are broken down, and it is a cemetery which has not been kept in good condition.

MR. WHITEHEAD: It would not cost much to put them together again with cement.

THE CHAIRMAN: It is not a case of putting them up so much as it is a case of maintaining the land.

MR. WHITEHEAD: As a practical problem, I would not dare to speak for the body of the United Church on that point, it is so individualistic.

THE CHAIRMAN: The Toronto Burying Grounds put the stone down on the ground. Once it has broken off, the stone is put there, but it remains on the grave, and of course is soon lost.

MR. WHITEHEAD: As a matter of policy, I certainly could not speak for the church and I will avoid that question. Personally, I would say, "Fix it up and keep it as it was".

THE CHAIRMAN: Thank you for coming up this morning, and thank your church for sending you and your co-operation.

Mr. Burton, we will hear you now.

MR. BURTON (Trust Companies Association):
Mr. Chairman and gentlemen.

"The Trust Companies Association of Ontario appreciates the opportunity to place before this Committee certain representations which may be of assistance in preparing a report and making

recommendations to the Legislature.

Section 8, subsection 1 of The Cemeteries Act provides that the Lieutenant-Governor in Council may upon the recommendation of the Minister make regulations respecting a number of matters in connection with the purchase, sale and maintenance of cemetery plots and places of interment.

Subsection (i) of section 8 provides for:

"prescribing the percentage of money received on the sale of any lot in a cemetery or compartment in a mausoleum or columbarium that shall be set aside in a fund for perpetual care by the owner;"

Section 16a (1) provides that:

"Every owner shall set aside in a fund for perpetual care such percentage of all money received on the sale of a lot in a cemetery or a compartment in a mausoleum or columbarium as the regulations may prescribe."

Subsection 2b provides that:

"The owner shall invest the money in the fund for perpetual care in the same manner as trustees are authorized to invest trust money or in such manner as the owner may be authorized to invest such money by any general or special Act of the Legislature and out of

the income of such investment shall preserve and maintain in a proper manner in perpetuity all lots, tombs, monuments and enclosures in the cemetery."

If a sufficient percentage of all money received on the sale of a cemetery plot be set aside in a fund for perpetual care there should be little difficulty in maintaining cemeteries in such a way that they would not be a charge on a municipality at some future time. Such percentages now range from 15% to 50%. We suggest that an enquiry be made to determine the amount that should be set aside in each case to provide sufficient funds for this purpose.

Section 17 of the Act provides that where moneys have come into the hands of the owner for the purpose of providing perpetual care of graves, lots, cemeteries, tombstones or fences, the owner may pay such money over to the Public Trustee for investment.

A report in the press of September 15 stated that the suggestion had been made to this Committee that trust companies should be appointed trustees of cemetery funds. It should be pointed out that a number of trust companies now act as trustees on behalf of cemetery owners and invest these funds, the income from which is used for

perpetual care and maintenance. The services of a trust company for this purpose involve no cost whatever to the public and will assure perpetual management of cemetery funds by financially responsible organizations that are experienced investors, and the keeping of proper records and accounts for as long as necessary.

All of which is respectfully submitted.

W. A. Scott,

Secretary".

THE CHAIRMAN: Mr. Burton, there are a couple of questions you might help us with. We realize that the trust company is a very important part of cemetery operation and I would ask you, in your opinion, what is a "irrevocable agreement"?

MR. BURTON: I do not know that I can answer that, sir.

THE CHAIRMAN: I will state a hypothetical case. Supposing Mr. Walker and I decide to open a cemetery and in the agreement, on the prospectus, are the words "irrevocable agreement". We decide to sell lots and we state that the moneys will be a certain percentage of the sale of the lots and will be deposited with your trust company in an irrevocable trust. Is that absolutely irrevocable? Does it

mean if Mr. Walker and I get "hard up" in the cemetery operation and we need money to spend on the cemetery, or anything else, or supposing we begin to dislike you, and we say, "No, I think we will change trust companies". Can we do that?

MR. BURTON: You will have difficulty. You certainly would not be able to get hold of any of the principal if the agreement was a proper one in the first place.

THE CHAIRMAN: We would expect that, but that is positively and absolutely irrevocable.

MR. BURTON: Yes, I would say most irrevocable agreements are irrevocable unless the courts otherwise deem advisable.

THE CHAIRMAN: Mr. Walker of course will tell us this later, but does the Department presently inspect these agreements and approve or disapprove of them?

MR. BURTON: There is no requirement now. The responsibility is on the trust companies and they are most careful of agreements. It would be very bad publicity for the trust companies, actually, to be a party to an operation like that, if the owners were able to come back and say, "Let us forget about this. We will pay you off". They cannot operate

like that. Their organization is operated in perpetuity if any organization does operate in perpetuity.

THE CHAIRMAN: Would you have any suggestions to the Committee as to whether the present limitations on the investment of funds are as they should be, or whether they should be broadened or not.

MR. BURTON: I would not think they need to be broadened,

THE CHAIRMAN: The reason I ask you that is not because the Committee are suggesting they should be broadened, but it was suggested by someone else to the Committee.

MR. BURTON: You are very careful with your investments in trust companies, because you want the capital to be kept intact, and you do not get into speculative investments of any kind.

THE CHAIRMAN: It was suggested to the Committee that there should be a wider power given.

MR. BURTON: That is the general feeling today, and until such general power is given, I do not think it is necessary to provide that.

THE CHAIRMAN: Would you have any suggestions for the Committee as to your feeling regarding the present arrangements so far as the trust companies are concerned? Are they satisfactory?

MR. BURTON: There is no argument at present.

THE CHAIRMAN: You are finding your dealings with comotories satisfactory?

MR. BURTON: We have many funds. We have funds for perpetual care which are not having any difficulty. The Act provides that funds may be made with the Public Trustee, and the suggestion has been made to this Committee in the last couple of days that funds for perpetual care should be handed over to a Government agency. Our submission, of course, is that is our business, and we would like as much business as we can get. We would like provision for this if it is to be made, to the trust company.

THE CHAIRMAN: I suppose you might have pointed out to the Committee that all your operations are under the oversight of some Department of the Government.

MR. BURTON: Absolutely. That is quite true.

THE CHAIRMAN: Do any members of the Committee wish to ask Mr. Burton any questions?

I want to express the thanks of the Committee to you and your association, for coming up.

Mr. Strathy, from the Church of England, the Committee will now hear what you have to say.

MR. COLIN STRATHY (Church of England of Canada): Gentlemen, I am here supposedly representing

the Church of England. I was asked by the Bishop to come up here, and I have not any particular terms of reference from the Bishop, but I think I can speak with some authority for the Church, because I am a Warden of St. James Cathedral.

Mr. Sedgwick, in the brief he presented to the Committee the other day, said the only parish church cemetery in Toronto was St. John's Cemetery. We have been operating St. James Cemetery since some time back in the last century, so we have some knowledge of operating cemeteries.

We would like to put some suggestions before you and I would like to think possibly they represent the views of the Anglican Church.

St. James Cathedral, I would like to draw to your attention, operates under a special Act, which was given us in 1903. That is Chapter 125, of the Statutes of 1903, and curiously enough, that Act not only dealt with the Cathedral but also gave us power to run a cemetery and even made provision for us to operate a crematoria, which was something unheard of in those days. I think the St. James Cemetery and the Toronto Burying Ground operate the only crematoria in Ontario. Is that right?

MR. CLARK: That is correct.

MR. STRATHY: The reason why I wish to draw your attention to this Act is that under the Act we have the power to invest funds which we take into the cemetery under no limitations whatsoever.

The Act provides that ^{while} the Wardens of the Cathedral are responsible for those funds, they may seek the advice of an investment committee to be appointed by the church.

We have had an investment committee for some years, composed of people in our congregation who have had considerable knowledge of investment, and that is the way our cemetery has carried on. We have perpetual care investments which are kept in a separate fund, and we would like that condition to continue if possible under the new Act.

I have several suggestions I would like to put forward if there is going to be a new cemetery Act or amendments to the existing Act.

We feel very strongly about this question of cemeteries being carried on for profit and we can see no reason for their existence. We feel particularly strongly opposed to the practice of sending salesmen around selling cemetery lots. We can see no reason why cemetery lots should be included in the same range as dishwashers, washing machines and motor cars.

Everybody is going to die some day and when they do, they will want a lot. If someone wants to take the trouble to go out and buy a lot in advance of need, that is his business, but I do not think people should be encouraged to go around from door to door and sell lots increasing the price of those lots by having to pay commission to a salesman.

I would like to associate myself with what Mr. Dennison said yesterday in respect to that point. He suggested a maximum commission should be 10%. We do not think there is any necessity for any commission. In regard to what Mr. Arnup said the other day, I agree that the business of selling lots is properly the business of cemetery people, to be carried on at a cemetery as part of the duties of the superintendent for which he is given a salary. If he does not sell any lots in a year, that does not mean his salary should be lowered.

We feel that very strongly that if cemeteries are going to be started by private associations, they should be non-profit cemeteries. In other words, all the money which is taken in, should be kept for the purpose of the cemetery and used only for its upkeep, for the payment of salaries to the employes of the cemetery, and things of that nature.

If people want to come into Ontario and open up cemeteries, then I think regulations of the Act can make it sufficiently unattractive to have people coming in here trying to make a bonanza out of the business.

One of the matters in which I do not believe is prohibited by the present Act is transfer of title to lot. We feel very strongly that trafficking in cemetery lots should be discouraged. I would like to recommend that the Cemeteries Act or regulations should specifically provide that no transfer of title of any lot should be permitted except in the following circumstances:

1. Where the deceased left a will to the person or persons entitled under the will.
2. If the deceased died intestate, his heirs at law.
3. If, for instance, a family does not want a lot, by re-selling a portion of the lot back to the cemetery by re-sale.

In that way, I do not think there would be any speculation in cemetery lots which I think is an nefarious practice.

Some mention has been made this morning with regard to the non-upkeep of cemeteries. The Act provides that if a cemetery is not properly kept up, the

municipality may come and tidy it up and charge the cost to the owner. That is a somewhat disturbing feature for us particularly at St. James Cathedral, because in addition to our cemetery fund, we have an endowment fund. I do not think there is any danger we are ever not going to keep our cemetery up, but it does constitute a cloud on our endowment to the effect we may be liable at some time to come, to assets outside of cemetery assets, to keep up a cemetery. If the Act makes provision for perpetual care for a cemetery, that is the only fund which should be available to keep up the cemetery, and the Act should certainly provide any charge for it should only be a charge against the perpetual care fund.

Another point is the question of inflation. We have lots in St. James Cathedral which sold at 50¢ a square foot back in the 1890's, and the rates for the lots have gone steadily up, particularly in the last ten years, because of the diminishing value of the dollar. I cannot give you the exact figures on the way it has gone up, but I think it has about doubled in the last twenty years, the cost per lot. A certain amount is put aside for perpetual care, but in our cemetery -- and I imagine in the trustees cemetery -- a person who bought a lot and paid his capital sum for perpetual care twenty years ago,

is getting exactly the same attention as the person who buys a lot today, and pays a greater sum for perpetual care.

That raises a problem which may have to be met if the inflationary trend continues.

If we ever got to the point where we had a "Chinese dollar" here, cemeteries would be "bust" and I cannot see how the Act can cover that point now. But a social question arises and I think possibly the answer is that if the time came when cemeteries were not able to keep themselves properly within the perpetual care fund, then maybe Parliament, either at the Dominion, Federal or Municipal level, would have to make grants to them to keep them up.

I do not think the owners of the cemetery should be penalized by reason of an inflationary trend, but that is why I suggest that the obligation of the ownership be limited to the perpetual care fund.

A third matter which is just a bit of annoyance to us is: if we pass regulations under the Act in regard to our cemetery, I believe all regulations must be submitted to the hon. Minister of Health for his approval. Some of these regulations are matters of housekeeping which can be of

no concern to the hon. Minister of Health. Another factor is, there are many small country cemeteries which probably do not even know they must have regulations throughout their cemetery and probably have no regulations at all. I do not know whether that is the case, but I suspect it might be.

I would like to suggest that it might be wise to take a leaf out of the Insurance Act. We all know in an insurance policy, you have an endorsement on the policy of Statutory conditions, which, by Statute, are deemed to be a part of every policy. I think either in the Act itself or by regulation, regulations could be passed which shall be deemed to apply to every cemetery and which would encompass everything that the party wants to cover by way of regulating the operation of the cemetery, and then the cemeteries should be left that if they want to have any further regulation with regards to house-keeping or to organization of themselves, they could do so if they liked.

Another feature which is a rumour which has reached my ears, it may not be correct, but I have heard that some of the cemeteries which carry on for profit have some kind of a tie-up with monument dealers where a person who buys the lot is tied to a particular monument maker if he ever wants to order a monument.

That is a practice which I think should be stopped. In other words, if a person wants to buy a lot, he should be free to buy his monument wherever he wishes, and there should be no financial tie-up of any sort which binds him further.

I think the only suggestion I have to make is with regard to the amount which should be kept back on the sale of a lot for perpetual care. I think the suggestion of the Trustees was 50%, which would be a proper amount. We certainly agree that 15% is totally inadequate. We are perhaps a little more economical in our ideas, we think 33-1/3% should be sufficient to deal with the perpetual care fund, but it may be the proper way to approach the problem is to state a minimum figure which should be set aside for perpetual care, and if anyone wishes to set aside more than that, they should be free to do so.

You asked Mr. Whitehead as to what his church's stand would be in regard to abandoned cemeteries. I am afraid I have no particular instructions on that, except to say this: the question of abandoning a cemetery is a matter of which there are many considerations, which the layman might not understand, and I feel there are theological matters tied up in that. I do not know what to say about

that, except I think if a procedure is to be set up with regard to abandoned cemeteries, it would be very advisable to send a draft of the procedure to the various church bodies before it was implemented so that you could be sure you would not be stepping on any theological toes, so to speak. I am sure the church bodies would give the matter expedient consideration and let you know about it.

THE CHAIRMAN: Could I ask you if your cemeteries which are connected with the Anglican Church are consecrated?

MR. STRATHY: I believe they are and that is one of the things I was thinking about. They would have to be de-consecrated, or whatever the term is.

THE CHAIRMAN: With your experience in cemeteries, would you care to give your personal opinion regarding what you think the public opinion as to the removal of them would be. Supposing a cemetery is to be closed up for the sake of expediency. It may be a small cemetery or it may be in the heart of a business section.

MR. STRATHY: We closed a cemetery down at St. James Cathedral. The grounds around St. James Cathedral were formerly a cemetery. I do not know just how it was done, as I was not around when it was

done, but I do know that some of the stones which were standing in the churchyard have now been placed in the wall of the Cathedral. You can see them as you go in the front door of the Cathedral. You will notice a number of stones placed in the wall. They have been moved up to their present location on Parliament Street.

There was another question asked this morning as to what happens when a monument falls into a state of disrepair. Our practice in that regard is to advise the owner on our books that the monument is in a state of disrepair and ask him to repair it. If we get no reply, we write him another letter saying if he does not repair it, we will. That is the policy which has just been put into effect within the last year or two. I do not know how far we will push it, but unless we are involved in a tremendous sum of money, we will repair the monument and charge it against the lot owner. We collect the charges by saying the next time anyone wants to be buried in there, we will collect the charges first and then they can bury them there. It is a species of homemade mortgage and we have not had any embarrassment about that yet.

MR. ALLEN (Middlesex South): It might be

someone without another lot.

MR. STRATHY: If the grave is filled, I think we might hesitate before we did that. We might adopt the policy Mr. Clark uses which is to lay the stone flat on the grave.

THE CHAIRMAN: What would be your re-action of taking the stones and placing them in a wall? You have already done that.

MR. STRATHY: Yes, I presume some ceremony would have to take place. The ground would have to be de-consecrated.

THE CHAIRMAN: I had reference to the removing of the stones. It has been suggested to the Committee by others who have appeared that where stones have generally become in dis-repair and where a cemetery has ceased to be used, the stones might be placed around the wall of the cemetery. I believe that is done in the Old Country considerably, although it was a great surprise to me to see the condition of cemeteries in the Old Country. They are not one of their beauty spots. The stones are then placed permanently in a concrete wall, and the grass is left so it can be cut easily.

MR. STRATHY: It might be that the church has some recognizable procedure. I would be glad to inquire into that.

THE CHAIRMAN: We would appreciate it if you would.

MR. STRATHY: I could write a letter, particularly as to what happened when we moved our cemetery at St. James. I know there were a lot of owners who had to be consulted or who had to be ignored. I do not whether there were any repercussions.

THE CHAIRMAN: Could you give us the thought of your church so far as establishing new cemeteries is concerned?

MR. STRATHY: I can safely tell you that like all the other churches, we are primarily concerned with building new churches at the present time and church extensions. We do not keep any extra money to form churchyards, and until that happens, I do not think there will be very many new churchyards brought into operation.

I do think and I think probably most of you agree, that the province is fortunate in having the Trustees Burial Ground system where you have a small organization in existence. I do not know whether they want to extend their operations, but I would think if new cemeteries were formed, they could very well be formed through them. Is that right, Mr. Clark?

MR. CLARK: Yes.

MR. STRATHY: In other words, I think they can be relied upon to take into consideration, the demand, and I think churches are going to keep out of the cemetery business.

THE CHAIRMAN: You do not think if regulations were brought in requiring much more stringent, more demanding measures so far as the possibility of permanent upkeep and proper plans before the cemetery could be opened, are concerned, your church would object?

MR. STRATHY: We are saying on the one hand we want you to regulate cemeteries so that there is no appeal to the profit motive. Churches are just as human as anybody else, and if there is no appeal to the profit motive, I do not think any new church is going to put in a cemetery with the idea of increasing their endowment, because there will not be any opportunity to do so. Where you have no opportunity for profit, you cannot pass an Act saying there can be no loss, so the impression may be it can only go one way, and they might lose.

THE CHAIRMAN: You think it would discourage groups which were not strong, which proposed to start a cemetery.

MR. STRATHY: I think it was suggested before your Committee that a cemetery which is to be started, should have its plans made, its roads built, and the drainage completed before a lot is sold. We heartily agree with that.

THE CHAIRMAN: Your church would not object to that?

MR. STRATHY: No, I think we would wholeheartedly support that.

THE CHAIRMAN: Do you close many country churches where there are churchyards?

MR. STRATHY: I am afraid I cannot answer that question.

THE CHAIRMAN: You do not know what has such happened in cases, whether the Anglican church feel they have a responsibility toward a churchyard.

MR. STRATHY: If it is associated with a particular church, I would think they would feel they had a responsibility.

THE CHAIRMAN: If the church in time closed, for instance?

MR. STRATHY: That would bring up your question of what to do with an abandoned cemetery, because it certainly would be abandoned. If they had any sense, they would write a letter to Mr. Clark and say, "Will you take this cemetery over?".

THE CHAIRMAN: But he would not take it over. I think in our own community of two Anglican churches which are in strictly rural communities and it is surprising how loyal the people are to them, but in the course of time there would be a possibility they would find they could not continue those churches. Supposing some new Canadians came in of a different faith, it might be possible that would happen. They have two very nice burying grounds. Is it the responsibility of that individual congregation or parish to care for that cemetery? I am not very well versed in your terms.

MR. STRATHY: I would think the cemetery would belong to the regular church wardens of that church, and it would be their responsibility. But I would like to find out from the Bishop's office whether they have any administrative procedure which is followed in cases of that sort.

THE CHAIRMAN: We would appreciate that very much, I am sure, if you would do that.

Do any members of the Committee wish to ask Mr. Strathy any questions?

MR. HALL: I would like to ask him a question. I know in the majority of cases I have^{had}/anything to do with, there is a large percentage of the cemetery which

is filled. The connections are gone, but it has to be looked after, and no remuneration is coming in. In the majority of cases, that is the big thing. They have to look after a large portion of plots, and there is no one to look after them, and no upkeep to look after them.

Do you know what the proportion of your cemetery is at St. James, which has no upkeep?

MR. STRATHY: St. James is practically sold out, but we have just found room for 1,000 more graves in the east end, and we will open it up in the next few months. I think practically every bit of ground in our cemetery is sold, but that does not mean to say it is filled up.

MR. HALL: There must be a big portion of that for which there is no upkeep collected?

MR. STRATHY: I think they have been collecting perpetual care since the 1890's.

MR. HALL: I am going back farther than that.

MR. STRATHY: It is very small. Actually, we collected perpetual care annually on our lots up to about 1925 or within a few years of that time. Then they started to get in a capital payment which would provide for perpetual care forever. Whether that was a good policy, is a question, because after

that, came the depression, and then the inflation started in, and I do not know whether that was a good idea. Maybe it was, but it might be better if perpetual care were collected annually, except where the owners of the lots have disappeared.

THE CHAIRMAN: That is the difficulty.

MR. HALL: We have about half of our graves like that.

MR. STRATHY: I do not know what our percentage would be.

THE CHAIRMAN: Do you find any difficulty in keeping up the cemetery with the income from the funds you have?

MR. STRATHY: We made a crematorium. We went into the cremation business. Although we were authorized to do so in 1903, we did not really start until about four or five years ago, and if we have a little less on our upkeep for the year, we can get a little from that. I think cremation is something that is coming. I do not know whether the Committee has given any thought to it, but as less and less land becomes available for cemeteries, people are going to have to be cremated.

THE CHAIRMAN: You mentioned the charge there would be from the municipality against the perpetual care fund. I think perhaps you will find

a great deal of objection to ever making the charge against capital. Did you mean the capital or the income?

MR. STRATHY: I can quite understand that. That is a legitimate criticism, but I think personally it would be better to make a charge against the capital of the perpetual care fund than against the other funds of the church or the owner.

In other words, if you could not get it from the perpetual care fund, then the question arises, I suggest, as to whether, as it is a social question, some Government agency should not step in and tell us, or whether the municipality should help. That would raise loud cries of grief in all probability.

THE CHAIRMAN: I do not think any municipality or Government will ever try to make a charge. The experience has been, no one seems to know of that portion of the Act ever having been used.

MR. STRATHY: I think that is a good thing to have in the Act, because it is possible that in some of the country cemeteries that would arise, whether they had sold lots for too small amounts to set up a perpetual care fund, or whether they have one.

THE CHAIRMAN: Almost entirely, they have not.

MR. STRATHY: If so, whether they have or not, they should have, and they have used the money for some other purpose. Possibly, in that case, they could not be heard to complain too loudly, if they kept their cemetery in a state of disrepair, if the municipality came in and tidied it up and then charged the church.

MR. THOMAS (Ontario): The difficulty is to find the owners of the cemeteries. We cannot find the owners.

MR. STRATHY: The owners of particular lots?

MR. THOMAS (Ontario): Yes.

MR. STRATHY: The term "owners" is used in the Act, referring to the owners of the entire cemetery, and he is the person who is responsible, not the owner of the particular lots.

MR. THOMAS (Ontario): They have passed out of the picture, too, you see, so it reverts back to the municipality.

MR. STRATHY: Where you have abandoned cemeteries, you cannot find the owner of the cemetery, they would have to take it over.

THE CHAIRMAN: I remember my father used to be secretary of a cemetery where they sold the lots for \$4.00 each, so the income from those lots did not

provide any fund to speak of.

MR. HALL: I think you will find in those days the plot owners went in and cleaned the cemetery voluntarily. That is the way they did in our cemetery.

THE CHAIRMAN: You might find this out too, Mr. Strathy, what the feeling of your church would be so far as disinterring bodies, and closing the cemetery, and moving it into another cemetery. I think there are several plans used.

One is to cremate the remains. You might suggest that, being as you are in the crematoria business. In such a case, they place the ashes in a suitable place. The other way is to inter them again in another cemetery.

MR. STRATHY: The question of cremating is a delicate one. There are a great many people who have a distinct abhorrence to it. My wife said to me, "If you cremate me when I die, I will haunt you for the rest of your life".

I suggest the church might ask, "Should you do that? You do not know what the feelings of the persons are." That is my own idea, but it ties in with the same question of the abandoned cemeteries. I would like to cover that point later, too.

MR. ROOT:.. May I ask a question? Should the church operating a large cemetery pay municipal taxes on the churchyard? Yesterday, the question was brought up, if you move outside of the cities into a municipality, take over the lands and remove them from the municipalities, you deprive them of the tax they would ordinarily get on that land.

MR. STRATHY: Of course, religious property used for religious purposes is supposed to be exempt from taxation, But apart from that question, there is the technical one, if you are going to impose taxation on cemeteries, it means the cost of the lot is going to rise, and we will have to pay more. I think the cemetery is, to a certain extent, a public service, and I think apart from the upkeep there, whether it is ground held by a religious organization or not, I think that land should be exempt from taxation, because it is available for all the tax payers of the municipality, and therefore it does not seem logical to me it should be subjected to taxation.

MR. ROOT: Why should the people of other municipalities lose part of their assessment if you move out there?

MR. STRATHY: I suppose that is an argument, but the practical result will be that it is a public service.

THE CHAIRMAN: I think it was mentioned by someone before this Committee, and you have already proven they were wrong this morning, that there was no possibility of any more cemetery land being taken over in the city of Toronto, which means that all the cemeteries which would serve the city of Toronto would be in another municipality.

Of course, the metropolitan area will largely overcome that, but before that, or if that did not exist, one particular municipality might attract several cemeteries, and that municipality would suffer. That was the thought we had in mind.

MR. ALLEN (Middlesex South): And if the cemeteries were abandoned, the municipality would be obliged to take them over.

MR. STRATHY: That could be regulated under the Act provided the cemeteries could not be opened until certain conditions were fulfilled. Obviously, there must be some licensing of people so you could say they could open a cemetery in a particular locality. That is something which should be regulated.

THE CHAIRMAN: Do any members have any further questions to ask of Mr. Strathy?

May I express to you, the appreciation of this Committee for coming up here today. It was

really interesting. I have noticed St. James Cemetery many times.

MR. ARNUP: Might I interrupt your proceedings for a moment? Mr. Clark has been kind enough to give me some information which relates to the last question, the problem of the loss of assessment to the municipality. He tells me there was a recent instance where the Roman Catholic Church was inquiring about 125 acres in the Township of Markham.

They made an arrangement with the Township of Markham that until the land so acquired was actually begun to be used for interments, it would be taxable as vacant land in the municipality. Portions of it would be released periodically, perhaps in 25-acre lots, as it actually became used as a cemetery, and that portion which became used for interment purposes then became exempt from taxation. So that large areas of land were not tied up unused in the municipality and exempt from taxation, but only that portion of the land which would be used as a cemetery as it is generally understood.

THE CHAIRMAN: That was what you might call an arrangement with the municipality. Would they have been able to collect those taxes had the church objected?

MR. ARNUP: There are provisions at the present time which, as I understand them, would not exempt a property from taxation merely because it had been purchased for a cemetery. It is only when you get to the stage -- and I would not want to try to define too closely where that stage begins -- but only where you began to use it as a cemetery, that it becomes untaxable.

THE CHAIRMAN: Supposing there were 10 graves in the cemetery, there is a possibility it could then be exempt, is there not?

MR. ARNUP: Yes, that is a nice question as to whether you can get exemption for 100 acres, because you start interring off the corner. It does seem a reasonable provision that, without trying to define it too closely, until that portion which is in reality being used as a cemetery, is so used, it should be exempt from taxation.

MR. THOMAS (Ontario): I would think if the plans have been approved, and if one body had been buried there, then the whole property is exempt under the present regulations.

MR. ARNUP: I think that probably would be correct.

THE CHAIRMAN: Just as your personal observation, this is hypothetical of course, but I

would be glad to have your re-action to the possibility, supposing some group is taking over 100 acres as a cemetery^{and}/ taxes on that land are so much money. A fund could be set up in addition to the perpetual care fund which would realize a certain amount of income, and an agreement could be entered into at that particular time. If it were divided up over each grave, it would not be a serious thing to the purchasers of those lots.

MR. ARNUP: The difficulty is that taxes are an annual affair and if you had to set aside a sufficient amount to provide even close to the loss of taxes from year to year, the capital sum required would be a staggering amount.

THE CHAIRMAN: Not more than your perpetual care fund, not anything in comparison.

MR. ARNUP: That is quite right. Perhaps some formula could be arrived at which would give some compensation to municipalities. Perhaps they would not expect to receive full compensation for the loss of taxes, but there may be some way of devising a formula of some percentage so that the municipality would not have a dead loss. I am not technical about this, but it would not be a complete loss to the municipality.

THE CHAIRMAN: If I remember correctly,

the figures Mr. Sedgwick presented the other day provided \$16.50 a grave for perpetual care funds which brought the revenue of \$600.00 per acre for upkeep. Taxes would be very small in comparison to a sum like that.

It looks to me as if it would be possible to do that. I am not suggesting the wisdom of doing it, but I do not think it would amount to \$5.00 per grave extra to provide a sum, the interest of which would be paid to the municipality in lieu of taxes which would perhaps be as much as, or more than, was being collected now by the municipality.

MR. ARNUP: May I say this, Mr. Chairman, would the Committee be interested in having our group make some study of that, and contribute a line on it?

THE CHAIRMAN: We would be delighted.

MR. ARNUP: It is not the sort of thing I would care to embark upon offhand.

THE CHAIRMAN: Thank you very much.

We will now adjourn for five minutes.

---Whereupon a short recess was had.

---Upon resuming.

MR. ABRAHAM GINSBERG (Canadian Jewish Congress and the Bothseda Synagogue): Mr. Chairman and gentlemen, I represent the Canadian Jewish Congress

as well as the Bethesda congregation which is one of our largest congregations in the city of Toronto. I want to express my sincere thanks to the Government and to Mr. Clark in taking part in the united appeal to the attention, which I would say is essential, which should be given to directing our sacred grounds and giving proper dignity and the perpetual care to them.

I do not know just where to begin, but I want to tell you our procedures and from that, we can go on.

We have, speaking on behalf of Bethesda congregation, acquired 44 acres of land, of which 6 acres have been developed, properly drained, with roads, and the plans have been incorporated to begin with at least 150 years to go.

You will be very definitely interested as to the funds. We do sell plots to the people who want them in cases of emergencies, and to others who think it is wise for them to look forward to the inevitable time which will have to come.

Personally, we do object and do not think it is fitting to send out salesmen and offer them commission to sell part of our sacred land.

The families are fully intelligent and know their requirements and they must look into it themselves.

They come to us and ask us to provide them with a family plot for the future, and we are glad to provide them with their future requirements.

As to our maintenance for the future, we set aside 15% of all the money which we receive from the sale of plots at the present time which goes into a trust fund well invested, and we will be coming into it at a later date. In the meantime, first, we see that our maintenance does not cost us anything, and we do not have to go into our sinking fund.

We have engaged a staff which follows the very same procedure as the Toronto Burying Grounds. If there is a burial on our grounds, we charge the undertaker so much for opening up the grave. When a foundation has to be built, we charge them so much. When there is a monument, we charge for the monument to be built, and we credit the fund sufficiently to offset our expenditures.

As it becomes larger, if the people require special care to their graves, whether they want to have a blanket of flowers or shrubbery planted, then the family assumes the responsibility of paying extra for those things. In this way, we do acquire extra funds and upkeep costs are very, very little.

As I say, we have set aside the funds which we acquire during the year in a sinking or trust fund.

When it is filled, we hope to have \$150,000 at that time, which will give us sufficient money to give it proper care.

That cemetery is the Memorial Park we have on Bathurst Street, and I would like to suggest if you are conducting a bus drive, I would be very glad if you would drop in.

THE CHAIRMAN: We will endeavour to do that.

MR. GINSBERG: As regards the Canadian Jewish Congress, they have the necessity of looking after the ones which have been forsaken or forgotten.

THE CHAIRMAN: Would you mind explaining the Canadian Jewish Congress -- what it is?

MR. GINSBERG: The Jewish Congress is a form of government of the Jewish population of Canada. They have their problems, their plans of being citizens of Canada and citizens of the world. All that is controlled through our Congress. If there are any difficulties as regards behaviour of any part of our people, it goes through the Congress, and they make sure it is corrected. If we are abused in any way at all, it is their business to speak to the Government.

THE CHAIRMAN: It represents the entire Jewish population?

MR. GINSBERG: The entire Jewish population of Canada. We have taken the old cemeteries which have been a disgrace to the community. In their efforts so far, they have taken over 32 old cemeteries which have been a disgrace to the community and have incorporated the very same plans as we have in Memorial Park.

We have taken caretakers and people on a straight salary for a year and paid them **that** salary. We have found in that particular section approximately 200 and some-odd burials and by selling the services of opening up the graves, by selling the services of building up foundations and beautifying individual graves, we raised sufficient funds to reconstruct, not only to maintain, but to re-construct the entire area.

If anyone had seen this particular section five years ago and saw it today, they would never recognize what it is possible to do. Our thought is not to give things away to individuals, but to make a profit on the services of the cemetery. There is a nominal charge the same as an outsider would charge, \$20. or \$25. for opening up a grave or \$1.20 per cubic foot for the foundation, but we do make sure -- and I would like to relate to you gentlemen that it is a matter which should be incorporated -- that the foundations are to be built no less than five feet

under ground.

The reason for this is: the burial is made five feet under ground and when a casket deteriorates, the ground starts to fall in, and the foundation falls apart. The moving of the foundation moves the monument and that is why the monuments do not stand up.

If you go down to where the rim of the casket is laid, that is not possible, and you will provide monuments will stay in place for a longer period than at the present time. This is very essential.

People come in from outside, build a foundation and get so much money and nobody controls it. I have seen in many cases when I have rebuilt monuments, where they have only had twelve or eighteen inches foundation underground and the frost comes in and lifts it up and the entire dignity of the cemetery is lost.

We have also incorporated a uniformity of stones. Sometimes, people are very anxious to make sure the people who pass away do not come back to see what has happened to their money, and they put very large monuments on top of them which gives them prestige, they think. We have incorporated uniformity. We have a single grave, two-foot, six inches, a double or family grave not to exceed three feet, and a large

family grave, twenty or twenty-five feet, not to exceed three feet, six inches in width, and this is in order to give uniformity to the cemetery.

On the undertaking we have, they have been rebuilding it -- and I might say we have spent \$34,000. in three years without a cost to anyone -- no money -- just through the services we have provided at the same rates which are collected throughout Toronto.

What I am trying to point out to you is as long as we can keep the people who want to profit out of it, we can preserve the dignity of the cemeteries for a very long time.

You might ask, "What do you do with the cemeteries which have societies or synagogues which have gone away?" Our people feel a moral obligation to the entire community, that the cemeteries must be kept in good condition, and we must have set a proper example at the present time of what is done to the small congregations. We feel that instead of going to the municipality for it, the taxes collected must be spent and they cannot set aside what will be required in twenty years hence. We feel a welfare fund or a chest may help out in such a case, and in our case, it does.

All our cemeteries are non-profit, either run by the synagogue or by a small fraternity, and

they make sure it is non-profit, because they feel it is essential to have a sacred ground when the day comes when we are interred.

They feel if the stone is there, it must not be removed. The grave must not be disturbed, but must stay there forever. Therefore, we say that everything we put there is to stay. Nothing lasts forever, but at least it should last for a very long time.

The question has been asked as to the transfer of ownership. My personal opinion is that is definitely wrong if someone for some reason has moved away from this locality to somewhere else, they can always come back to their congregation and say, "Here, since we have moved away to California, or wherever it may be, will you take this back? Can we get a refund on it?" They can easily re-sell something which has been sold 25 years ago without any loss, but to transfer it to someone just to make a profit out of it, we definitely discourage it, in fact, we do not permit it. It cannot be done. The transfer must be made back through the office or the plots are reverted back to the organization from which it was purchased originally.

I think I have covered our points and I would be glad to answer any questions which you might ask. Personally, I have spent the last few years

doing just what this Committee has to do, on my own.

Sentimentally, I feel very badly about passing by a cemetery and seeing woods and thistles, and fences fallen down. I do not think we are paying the proper respect to our forefathers who were responsible for us enjoying what we are enjoying today, and I feel very responsible to them.

THE CHAIRMAN: There are a few questions which have come to my mind. I want to thank you for coming here and to compliment you upon the splendid management you have of your cemeteries. Your group, as a whole, are certainly to be complimented.

Supposing this Committee made certain recommendations having to do with perpetual funds or something of that nature, we would gather from your presentation here this morning, you will never have any neglected cemeteries.

MR. GINSBERG: We have, yes, throughout the outside communities. There are community cemeteries which have been neglected. I will not say they are abandoned, but they are neglected.

THE CHAIRMAN: What would be the thought of your people, would you want to look after those yourself?

MR. GINSBERG: Definitely so.

THE CHAIRMAN: You are not going to go to a municipality and say to them a cemetery is being neglected and they should take it over?

MR. GINSBERG: No, we would never go to a municipality, we would feel it is our obligation.

We have three congregations, the Orthodox, the Conservative or the Reform, the same as you have Anglican or United or Baptist. If the cemetery belongs to the Conservative or to the Orthodox or to the Reform congregation, we would make sure it came to the attention of the head body of the particular church or synagogue, to make sure it is taken over.

THE CHAIRMAN: I might say this, that I think with your sound and broadminded outlook on things, you realize if we are to bring in certain regulations, even although they are not necessarily applying to you, such as the question of supervision --

MR. GINSBERG: It will be more than welcome.

THE CHAIRMAN: We might also make recommendatic regarding a perpetual upkeep fund, or something of that nature, or regarding the plan of the cemetery.

MR. GINSBERG: We are not perfect. We have some small organizations who do not want to take dictation or advice from us. We might say, "You must do this or that". They may come to us and

consent to our taking care of their cemeteries.

THE CHAIRMAN: Supposing the amount of funds which is being set aside for perpetual care is considered by the Committee -- because we have had presentations here pointing out some do not collect enough of that sort of thing -- supposing 15% was decided to be insufficient and we said it must be 20%, how would your organizations feel about that?

MR. GINSBERG: All our organizations for cemeteries are non-profit organizations. A member belongs to an organization and he pays \$10. or \$12. dues annually. He is the owner of one single or double plot. We have organizations and we do sell preference graves to members if they want them. It would create a hardship of some organizations because some of them are very poor organizations. It is a hardship for them to keep themselves going. I do not think there should be any trouble if they made the proper presentation and told the reason why they cannot put in a certain amount of money, that should be sufficient.

THE CHAIRMAN: The reason this Committee might have for requesting a certain sum of money to be set aside is to get away from the possibility of them becoming a charge upon the municipality. The

question was also raised as to whether it should be a minimum amount of money or whether it should be a percentage of the sale price.

MR. GINSBERG: Supposing you said a percentage of the sale price, those organizations have no sales, therefore they have no percentage.

THE CHAIRMAN: You do sell a lot?

MR. GINSBERG: There are some congregations which have had no sales of plots. In them, you are members of a fraternity and the plot is automatically yours. The congregations have no sales and have no sinking fund. That is a problem which must be considered.

THE CHAIRMAN: Supposing that fraternity were asked to establish a sinking fund. It would be good for them.

MR. GINSBERG: If they are in a position to pay for it, yes, but if their membership is only about 150, and their dues are \$8.00 or \$10.00 a year, then the entire fund throughout the year is \$1,500. or \$2,000. With all the things they have to meet out of that budget during the year, there would be nothing left.

THE CHAIRMAN: This, of course, would only apply to the establishment of new cemeteries.

MR. GINSBERG: With the new cemeteries, by all means, yes. Do not permit new cemeteries.

THE CHAIRMAN: We cannot make the old ones over.

MR. GINSBERG: With the new ones, by all means, yes. There must be regulations as to the size of the monuments and the depth of the foundations.

THE CHAIRMAN: I have noticed some military cemeteries where the gravestones are all exactly alike, and when the grass is cut, it looks beautiful.

MR. GINSBERG: You add very much dignity by not permitting people, just because they have the funds, to show off in a cemetery.

THE CHAIRMAN: Are there any other questions the members would like to ask Mr. Ginsberg?

MR. ROOT: What are your views on new cemeteries paying a municipal tax? Roads must be built to the cemetery and the cemetery might become a charge on the municipality. Some day you might not require the cemetery and it would fall on the municipality to keep up.

MR. GINSBERG: I would think the municipal tax would cause a hardship in many of those cases.

First of all, we have many cemeteries which are already incorporated. If you bring in new ones,

or extend the old ones which would be treated differently, there would be trouble. I think it is entirely the responsibility of the different churches and organizations. I think it is their responsibility to take care of it, and if they charge \$5.00 or \$10.00 more per plot in comparison with the funeral expenditures, they have to pay, it is not such a great deal. A small area provides for 2000 or 3000 graves and they could raise \$15,000. or \$20,000. and invest at $4\frac{1}{2}\%$ which would keep the grass cut and the fences repaired.

My opinion would be to leave it to the congregation or the organization, whoever has the responsibility.

THE CHAIRMAN: Thank you very much. We are indebted to you for coming up, and we want to compliment your group on the splendid job they are doing.

We will now hear Mr. Hodson.

MR. W. E. HODSON (Baptist Convention of Ontario and Quebec): I am not sure I can add very much to the discussion which has been carried on this morning and the information which has been brought forward. It has been very enlightening indeed.

So far as the Baptist Church is concerned, we are not opening any new cemeteries, in fact, we

have very few. I am not sure there are any cemeteries which were organized as such and carried on as such, apart from congregation.

Our problem with the cemeteries that are where churches were, is mainly who is responsible for the care of those graves and cemeteries.

We have, for instance, one very difficult situation we are trying to meet, where the deed of the property -- the church is now defunct, and ceases to exist, and there are no trustees. They have ceased to exercise their function, but the property carries with it, a doctrinal statement which is impossible for us to acknowledge or for any group to acknowledge who might take over the property.

It is the doctrinal statement which says if the church ceases to exist, any person might take possession of the property who would subscribe to those tenants of faith, and they are set forth.

For two years, we have been wrestling with this in our law department in order to try to get that straightened out, so that some person might become owner of the property and become responsible for it. But there does not seem to be any way out. Our solicitors suggest we have to go to a judge, and they do not know of a judge who will pronounce upon it.

THE CHAIRMAN: If you had a group of them, it might be possible you could have a private Bill presented to the Legislature which would clear things up.

MR. HODSON: For that purpose?

THE CHAIRMAN: That is a layman's case.

MR. HODSON: Thank you very much. It might be we would have to resort to that.

THE CHAIRMAN: It would not be difficult.

MR. HODSON: In the meantime, we are trying to make the cemetery respectable. There is an acre of land or so connected to the cemetery on one side and we have this summer levelled the property off and fenced it in. There is property on the other side which should be sold, I suppose, in order to provide funds to pay for the upkeep of the cemetery.

In the meantime, this district has developed into a high class residential section and some of the residents there object to the proximity of the cemetery right in the heart of this district. We approached the people who are relatives of the families buried there which goes back over 125 years, and asked them if they would be agreeable to the removal of those in the cemetery and placing them in a lot in another part of the cemetery and a plaque made and all the stones placed in it. They simply objected.

Yet, they assume no responsibility for the upkeep of the cemetery.

We are prepared to pay for the expenses of the removal, and yet our hands are tied.

THE CHAIRMAN: What percentage objected?

MR. HODSON: I am not sure, I could not answer that.

THE CHAIRMAN: We have endeavoured to enquire from persons who have appeared before the Committee to ask their personal opinion of a regulation which might make it possible to do that, if a very large percentage did not object. We wondered what your thoughts would be along that line.

MR. HODSON: Our problem there is firstly, I suppose 50% of the relatives of the interments could not be found, but there have been interments there quite recently. We discovered this though, we had to stop interments and I would like to ask who closes a cemetery.

THE CHAIRMAN: The Department of Health. You make an application to the Department of Health and they have authority to close it.

MR. HODSON: If I wrote to the Department of Health, representing the denomination, I could have it closed, could I?

THE CHAIRMAN: You would apply to the Department of Health who would consider it, and if it were agreeable, it would be closed.

MR. WALKER: If I might explain, Mr. Chairman, there are two orders you can get under the Cemeteries Act.

The first is an order closing the cemetery and prohibiting further burials. That order closes the cemetery and does not change the cemetery at all, but just leaves it. The other is an order for removal of the remains and transfer of the stones. There is a further application to a judge after all the supervision has been completed and after the transfer of the remains and stones have been completed, The judge can make an order that that property is just the same as any other property, and the owner of the property would proceed to sell that for housing or whatever he wishes.

MR. HODSON: Who has the authority to make the application to the Government?

MR. WALKER: For the purpose of the Act, the owner has the authority. The owner is any person who is charged with the responsibility of looking after the cemetery.

MR. HODSON: In this case, there is no owner.

MR. WALKER: Would the church itself, or the congregation?

MR. HODSON: The congregation is gone.

THE CHAIRMAN: I might explain to Mr. Walker, Mr. Hodson will say this is right that in the Baptist Church each congregation is a separate corporate body. There is no head of the Baptist Church which has any authority over any individual congregation. However, I think you would be able to do that.

I would suggest, Mr. Hodson, that you go in and have a talk with Mr. Walker some day soon.

MR. HODSON: I will be glad to.

As far as getting the permission of the people who might be interested in the removal or non-removal of the remains, it would be comparatively few, I would think, probably twelve or fifteen at the most. Those people object but still will not do anything to keep it up.

THE CHAIRMAN: We may want to arrive at a percentage below which it would be recognized it could be done. You would favour that, would you not?

MR. HODSON: I certainly would. You must clean it up, and be able to dispose of the property which is there in order that we may look after it. In the meantime, we are spending our own funds to

look after it, funds we have no right to use for that purpose.

THE CHAIRMAN: The fact you do not intend to open any new cemetery would mean I should not ask you regarding the regulations on that subject.

MR. WALKER: No.

THE CHAIRMAN: Thank you very much, Mr. Hodson. We will now hear from Reverend Father Clune.

REVEREND FATHER CLUNE (Roman Catholic Archdiocese of Toronto): I am very pleased to appear before you this afternoon as a representative of the Catholic cemeteries, in order to answer any questions which you may have, and also to point out the fact that we consider our cemeteries a very important part of religious worship regarding the burying of the dead. It is an act intimately connected with our religion. We believe those who have been incorporated in the mythical body of Christ by baptism, who are bonded together by the same faith, who believe in the same dogmatic tenants, should be lying together and waiting gloriously for the resurrection.

It is for that reason we have had cemeteries ever since the establishment of the Catholic Church. These cemeteries are, to the best of our ability,

kept in good repair and maintenance. It is true we have cemeteries in the Archdiocese of Toronto, more than 45, attached to different parishes and localities.

Mount Hope Cemetery serves the metropolitan area of Toronto and because it is greatly filling up, we have a new cemetery in North Toronto, in Markham, in which we have the arrangement spoken about by Mr. Arnup sometime ago. We have arranged with the municipality whereby we do not withdraw from taxation land until such time as it is used for the interment of the faithful. We withdraw 25 acres at a time. We will not withdraw the first 25 acres until we have made the first interment which will be next spring.

Many of the cemeteries, as I have said, had been established for more than a century before anyone ever thought of annual or perpetual care. These cemeteries are maintained by the different parishes and by the Episcopal Corporation which is the holding corporation for the property of the church in Ontario, the Archdiocese of Toronto.

It is a problem about which many of our pastors do not know exactly what to do. Cemeteries are maintained by the voluntary contributions of the faithful, either by the voluntary labour or by the parish which makes a subsidy for the upkeep of the

cemetery. Many of our cemeteries were begun under the annual care plan. St. Michaels is a prime example of that. It was thought an annual charge would be made against the plot owners in order to maintain these cemeteries in proper and due respect. Many of the plot owners are deceased and their descendants are unknown or have moved away, so that the annual care charges for the upkeep of Mount Hope Cemetery would amount to less than \$100. a year, and it costs the Diocese over \$5,000. to maintain this cemetery in the order in which you will see it this afternoon.

With regard to Mount Hope Cemetery, we had from the very beginning, a perpetual care plan.

THE CHAIRMAN: I believe you made a misstatement. You said Mount Hope Cemetery had an income of \$100. a year and I expect you intended to say "St. Michaels".

FATHER CLUNE: Yes, St. Michaels.

Mount Hope is under the perpetual care plan and has been from the very beginning. We set aside 40% of the lot sales and invest it in a fund in order to look after the cemetery in the proper respects.

With regard to the care of the cemetery, of course, I personally am opposed to the term,

"perpetual care" in this sense it seems to impose an impossible burden upon cemetery corporations. It would be better if it were called "income" or "endowed care". Perpetual care does not take into consideration the fact of decrease in interest rates, or the fact that there is a rise in the cost of labour and equipment. Nevertheless, the cemetery for the amount of money it is given, now obligates itself to care and maintain these cemeteries forever or for a long time.

The income or endowed care would limit the maintenance of the cemetery to the amount it has obtained from the proportion invested in a care fund. I am certainly in favour of all cemeteries being under the perpetual care plan and that a minimum amount should be established to be set aside in its care fund.

To my mind, it does not seem practical to state that a percentage should be established or set aside, because the prices of lots vary in different localities. Whether you set aside 35% or 50% of \$5.00, if you are selling your graves for that, it is negligible, and will not care for the cemetery in the future. If a minimum amount of money could be determined by the Committee, say \$35.00, they could

set that aside for the care of that grave and if they wanted to set a percentage basis, it could be 40% or \$35.00, whichever amount is the larger.

I think a minimum should be established in every cemetery so that you will be sure that care will be arranged for in some way.

Of course, investing the perpetual care fund as a trustee investment, means the interest rates are ordinarily quite low. You cannot invest in anything which would give a worth-while return, because it does not come under the Trustee Act.

Do you wish to ask me any questions?

THE CHAIRMAN: You mentioned investing the funds under the Trustee Act. Of course, you can invest your funds as you wish to under the Act.

FATHER CLUNE: We invest them under the Trustee Act.

THE CHAIRMAN: But you are not required to do that at the present time.

FATHER CLUNE: We have not been too clear on that point, and that is how we have been investing our funds.

THE CHAIRMAN: If you are a profit cemetery, you would be required to invest them in that way. You would have no objection if this Committee brought in their report including a requirement that all those

funds must be invested in trust funds?

FATHER CLUNE: Do you mean a trust company or trust funds?

THE CHAIRMAN: Trustee investments.

FATHER CLUNE: No, I would have no objection to that.

THE CHAIRMAN: How would this affect your Diocese? You have your own committee who invest the funds for you. Just to acquaint you with it a little more, it could be possible that the Committee might bring in a recommendation that all perpetual care funds must be invested in an irrevocable trust. That has been suggested to the Committee. What would be the attitude of your Diocese towards that regulation?

FATHER CLUNE: I do not think I can speak without having first of all consulted the Cardinal and Bishop on the matter, but we do have a committee and we invest the funds according to the Trustee Act at the present time. You mean it would be handed over to some trust company or some Department of the Government? Do I understand the question properly?

THE CHAIRMAN: Yes. I was just asking Mr. Walker whether the Public Trustee was able to accept an irrevocable trust. I want to be sure.

MR. WALKER: Yes.

THE CHAIRMAN: The idea is firstly to handle the problem of the person who might use that money. It is strange how many problems there are over the province.

We had thought of going over to Fort William and they said they had no difficulties up there. I met a man from Fort William yesterday and he said, "The only thing we want to know is how to get this money out of the permanent upkeep fund."

FATHER CLUNE: We have had no trouble. We are a religious organization and we expect to be around for a long time, and we understand our responsibilities to these cometeries. We have invested our money under the Trustee Act.

THE CHAIRMAN: We have not a particle of quarrel with anything you have done, but we do not want to do anything which will be a hardship or is going to cause disruption in the plans of a well-organized body.

FATHER CLUNE: Personally, I have not gone into it, and I do not know what the authorities would say, but personally I cannot see there would be any objection to it, because we would be very glad to have somebody look after our cometeries for us. If we hand over so much money, we get a return.

If we hand over \$100,000, we would get the interest from that.

THE CHAIRMAN: You would just get the interest. A trust company would take the place of your committee. The trust company or the Public Trustee would invest that money for you.

I would be very glad if you would discuss that with your Diocese and let us have their feeling on that. I have not any thought they would do any better job or would improve your operation any.

FATHER CLUNE: They might. We have tried to use expert advice.

THE CHAIRMAN: Presently, the trust company is only required for the profit cemeteries. This particular cemetery I spoke of, is a municipal cemetery, and they would like to take their fund of perpetual care and improve the cemetery with the thought of putting that money back as they sell lots, and that is a thing that I think has proven it does not work out very well because although there were good intentions at the time --

FATHER CLUNE: I know. The thought has been brought forward by one of the pastors I have talked with as regards cemeteries that perhaps the Episcopal Corporation would take over part of the perpetual

care fund and invest it as a whole, rather than, say, a small parish which would invest \$100. or \$75. a year. The thought was expressed we would send it back and we would safeguard the transfer of it.

THE CHAIRMAN: That might be a better way to handle it, and we would like to have your feeling as to how you handle that. The Anglican Church have a system like that. The Diocese invest the money and the interest is turned back to the individual churches for the cemetery, or whatever it is for.

FATHER CLUNE: At the present time, our parish is charged with the responsibility of their cemetery, and because the revenue is very insufficient they do not charge enough for their lots because they charge anywhere from \$2.00 to \$20.00, and in some cases, they give a plot to their own parishoners.

There is no fund to look after those cemeteries and it is all done by voluntary labour.

THE CHAIRMAN: On the other hand, there will be no problem as far as the municipality is concerned, of abandoned cemeteries. You will never abandon a cemetery.

FATHER CLUNE: No, although to be perfectly frank with you, I know of one instance that came to light the other day where a church had existed many

years ago and now this church is gone, and the cemetery is there. I do frankly admit it has been neglected, but we intend to do something about it.

THE CHAIRMAN: Naturally, from the nature of your feelings towards cemeteries, you would never permit them to become a municipal cemetery.

FATHER CLUNE: No.

THE CHAIRMAN: We will be glad to have you tell us whether you have considered or whether your church has ever considered entering into an agreement with the municipality where one section of the cemetery is Roman Catholic and the other is Protestant.

FATHER CLUNE: Yes. That exists now in St. Catherines in Victoria Park Cemetery. It is a municipal cemetery, and one section is reserved for Catholics and the other for Protestants.

THE CHAIRMAN: You are not opposed to that system if it can be worked out properly? Do they do the work in that cemetery?

FATHER CLUNE: I believe so. In fact, it is municipally run, as far as I know. They set the rates.

THE CHAIRMAN: You would not like to express your opinion as to that sort of cemetery? It is not likely to be important to us anyway.

FATHER CLUNE: If it is not important, I would rather not answer.

THE CHAIRMAN: Do any members of the Committee wish to ask any questions?

MR. ROOT: I would like to ask the same question. What are your thoughts regarding payment of municipal taxes of new cemeteries? If you move out to the municipality, they lose part of the assessment.

FATHER CLUNE: My feeling in the matter is the amount of land taken up for the burial -- we have 147 acres in Markham -- and actually it is negligible, and it is putting an extra burden on the people who are buried in that cemetery.

I have heard that discussed this morning. There is no doubt about it, it could be done, but I think the amount of revenue which would be received from say 140 acres in taxation would be negligible in the overall picture and it would cause a certain amount of dissension and feeling. They do not use too many public services, the only thing is you cannot use land for another purpose.

MR. ALLEN (Middlesex South): We are not as concerned with non-profit cemeteries, but if they make enormous profits, they should pay taxes.

FATHER CLUNE: We are opposed to the profit cemeteries. It seems repugnant to us that commercialism should enter into the burial of the dead, particularly by pressure and excessive profits and we are opposed to that type of cemetery. I think the Catholic cemeteries and the Public Trustee cemeteries have done an excellent job.

MR. ROOT: Supposing you took over 147 acres and you pay a fixed tax. The municipality loses the revenue on that land.

MR. ALLEN (Middlesex South): The interest is far more than the taxes.

MR. ROOT: If we are changing the Act, I was wondering what your opinion was, because in the outside municipalities, they put in roads and there is a possibility some day it may be a charge on the municipality.

FATHER CLUNE: That event would never arise in one of our cemeteries.

THE CHAIRMAN: Are there any further questions?

I want to thank you on behalf of the Committee for coming down this morning. I think you realize the Cemeteries Act covers the entire province and affects a great many people and a great many organizations,

religious orders, religious faiths, and our hope is that in our report, we want to improve conditions if possible, and if something comes to your mind that you think might help the Committee, we would be glad to hear it.

I know you have thought about cemeteries a great deal from what you have said this morning. We have had a splendid morning, and we are indebted to everyone who has come to speak to us.

If something comes to your mind which you feel would be helpful to this Committee, either in general, or as it affects your faith, I hope you will be good enough to give us your help, and we certainly appreciate anything you can do to help us.

FATHER CLUNE: Thank you. I will do that.

THE CHAIRMAN: Does anybody wish to speak to the Committee before we adjourn?

MR. WILLIAM BLACK (General Representative, Building Services of the A.F.of L): I have been instructed by my organization to appear here this morning.

We enjoy contractual relationship with the Toronto General Burying Grounds, Parklawn Cemetery, St. James, and St. Johns Cemeteries, and we sponsor the following resolution with your permission.

The following resolution was submitted at the Conference in Windsor last January:

"WHEREAS the owners of cemeteries affiliated with the Ontario Cemetery Association have operated cemeteries for many years with the interest of the public as their primary concern and

WHEREAS of recent date the Memorial Gardens Association has entered the cemetery field in Canada and

WHEREAS this Memorial Gardens Association is operating in a manner which is not in the best interest of the public and

WHEREAS many people are being sold a bill of goods by the salesmen and

WHEREAS the Ontario Department of Health lay down specific rules governing cemetery operation and

WHEREAS the Ontario Cemetery Association have drafted a further set of rules and amendments which protects the public even more than the old Statute

THEREFORE BE IT RESOLVED that this Convention support the 10 point program drafted by the Ontario Cemetery Association which was presented to the Deputy Minister of Health on December 10th,

1952, and

BE IT FURTHER RESOLVED that this Convention urge the Executive to arrange a special meeting with the Department of Health officials to place our views before them for the protection of citizens at large."

This resolution was a part of the brief presented to the Provincial Cabinet earlier this summer by representatives of the Ontario Provincial American Federation of Labour.

Our organization deplores the unethical practices employed by salesmen of the Memorial Gardens Association, and I would like to relate one instance which happened. Not only are they not satisfied with going from door to door, but they are now entering institutions such as Lyndhurst Lodge.

The President of our organization, who is the International representative for Eastern Canada, has a wife who contracted polio two years ago, and she is now receiving treatment at Lyndhurst Lodge.

One of these gentlemen entered the Lodge leaving business cards at the side of all the patients in Lyndhurst Lodge, and we wonder how low they can sink when they revert to that type of thing. We believe that the dignity associated with the sale

of cemetery plots, should be restored, and that complete prohibition of door-to-door sales should be brought about. Thank you very much.

THE CHAIRMAN: Can we have that resolution?

MR. BLACK: Yes. It is part of the brief presented to the members of the Cabinet this summer.

THE CHAIRMAN: Thank you for coming up, Mr. Black.

Would anyone else like to speak to the Committee before we adjourn?

REVEREND JOHN COBURN: I would like to say a word if I may. A man came into my house selling cemetery plots and he just took us at a very opportune time because my wife and I had been thinking we ought to get a little plot in a cemetery so that when death came, we would not have the confusion we would ordinarily have.

This man brought the most gorgeous prospectus selling lots at this place which was mentioned earlier out near Malton.

It was very flattering. He said they wanted to get a number of well known people at a very reduced rate so that they might use my name for sale purposes and that if we did not buy it now, we would not get in at the beginning, and it would cost us about three times as much.

We were delighted with the program. It looked to me a beautiful place, and so I said the cost was pretty high even at this flattering rate he was offering us. I think it was about \$300. or \$400. I wanted provision for about five graves and I said "Alright, I will look into it, and talk it over with my wife."

"Oh" he said, "We are not allowed to make a second call at any place." I said, "So you insist if I am going into this thing, I have to sign right here?"

"Yes", he said, and I said, "Look, my young friend, I was not born yesterday." I got my Irish up and he demanded I sign on the dotted line.

Mr. Chairman, I read in the paper about this Committee and I thought I should come and tell you about this, because it appeared to me I was "nipped" as a good many people are, once before, with signing on the dotted line, and I imagine some good simple minded people, approached in that way, without the knowledge and experience that I happen to have, might be caught,

It looked to me like a complete swindle because legitimate business would not need to resort to high-pressure salesmen.

I went down to the Better Business Bureau and reported this. They quite agreed with my diagnosis of the thing and they said there was not anything in the law. Although they had some other complaints, they could not find anything in the law which covered the job that these men were doing.

I just thought I would come down and tell you about my experience.

THE CHAIRMAN: And suggest we put something in the law?

MR. COBURN: And suggest you put something in the law to make that sort of thing, for the protection of the public, illegal, because I said, "Why, man alive, if I buy a piece of real estate, the first thing I do is get my lawyer to look up the title. I have not anything but this picture which you show, and what you say. I do not know whether you own this land or not. How do I know?"

He said, "You take my word for it." I said, "Your word, no. I am not taking your word or anybody else's word for anything, and I am not signing on the dotted line."

I can quite understand, Mr. Chairman, I have heard some cases since that time of people who have been swindled by that sort of thing, and who have been taken in by an oily-tongued salesman like he was.

THE CHAIRMAN: My faith in the Irish people is restored. I have known you for a long while, and I thought you were leading up to the place where you were going to say you signed on the dotted line. If you had, I would have lost my faith in the Irish.

MR. COBURN: This fellow had an oily tongue, and once before a salesman got me to sign on the dotted line, and I found it was no good.

THE CHAIRMAN: Thank you very much for coming to speak to us today.

The Committee will now adjourn. We are going to visit some of the cemeteries around Toronto this afternoon, and if anyone would like to come with us, they are quite welcome. The bus will leave from the front of the Parliament Buildings at 1:30 p.m.

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---Whereupon the further proceedings of this Committee adjourned until Tuesday, September 22nd, 1953, at 10:00 a.m., in the Council Chamber, City Hall, London, Ontario.

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